



## Senate

General Assembly

**File No. 164**

January Session, 2017

Substitute Senate Bill No. 917

*Senate, March 22, 2017*

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist. and SEN. MARTIN of the 31st Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING DISCRIMINATORY PRACTICES AGAINST VETERANS, LEAVES OF ABSENCE FOR NATIONAL GUARD MEMBERS, REGISTRATION FOR CERTAIN MEDICAID PROGRAMS AND DISCLOSURE OF CERTAIN RECORDS TO FEDERAL MILITARY LAW ENFORCEMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the general statutes is amended by  
2 adding subdivision (22) as follows (*Effective October 1, 2017*):

3 (NEW) (22) "Veteran" means veteran as defined in subsection (a) of  
4 section 27-103.

5 Sec. 2. Section 46a-58 of the general statutes is repealed and the  
6 following is substituted in lieu thereof (*Effective October 1, 2017*):

7 (a) It shall be a discriminatory practice in violation of this section for  
8 any person to subject, or cause to be subjected, any other person to the  
9 deprivation of any rights, privileges or immunities, secured or

10 protected by the Constitution or laws of this state or of the United  
11 States, on account of religion, national origin, alienage, color, race, sex,  
12 gender identity or expression, sexual orientation, blindness, mental  
13 disability, [or] physical disability or status as a veteran.

14 (b) Any person who intentionally desecrates any public property,  
15 monument or structure, or any religious object, symbol or house of  
16 religious worship, or any cemetery, or any private structure not owned  
17 by such person, shall be in violation of subsection (a) of this section.  
18 For the purposes of this subsection, "desecrate" means to mar, deface  
19 or damage as a demonstration of irreverence or contempt.

20 (c) Any person who places a burning cross or a simulation thereof  
21 on any public property, or on any private property without the written  
22 consent of the owner, shall be in violation of subsection (a) of this  
23 section.

24 (d) Any person who places a noose or a simulation thereof on any  
25 public property, or on any private property without the written  
26 consent of the owner, and with intent to intimidate or harass any other  
27 person on account of religion, national origin, alienage, color, race, sex,  
28 sexual orientation, blindness, [or] physical disability or status as a  
29 veteran, shall be in violation of subsection (a) of this section.

30 (e) Any person who violates any provision of this section shall be  
31 guilty of a class A misdemeanor, except that if property is damaged as  
32 a consequence of such violation in an amount in excess of one  
33 thousand dollars, such person shall be guilty of a class D felony.

34 Sec. 3. Section 46a-59 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2017*):

36 (a) It shall be a discriminatory practice in violation of this section for  
37 any association, board or other organization the principal purpose of  
38 which is the furtherance of the professional or occupational interests of  
39 its members, whose profession, trade or occupation requires a state  
40 license, to refuse to accept a person as a member of such association,

41 board or organization because of his race, national origin, creed, sex,  
42 gender identity or expression, [or] color or status as a veteran.

43 (b) Any association, board or other organization which violates the  
44 provisions of this section shall be fined not less than one hundred  
45 dollars nor more than five hundred dollars.

46 Sec. 4. Subdivisions (1) to (6), inclusive, of subsection (a) of section  
47 46a-60 of the general statutes are repealed and the following is  
48 substituted in lieu thereof (*Effective October 1, 2017*):

49 (1) For an employer, by the employer or the employer's agent,  
50 except in the case of a bona fide occupational qualification or need, to  
51 refuse to hire or employ or to bar or to discharge from employment  
52 any individual or to discriminate against such individual in  
53 compensation or in terms, conditions or privileges of employment  
54 because of the individual's race, color, religious creed, age, sex, gender  
55 identity or expression, marital status, national origin, ancestry, present  
56 or past history of mental disability, intellectual disability, learning  
57 disability, [or] physical disability, including, but not limited to,  
58 blindness, or status as a veteran;

59 (2) For any employment agency, except in the case of a bona fide  
60 occupational qualification or need, to fail or refuse to classify properly  
61 or refer for employment or otherwise to discriminate against any  
62 individual because of such individual's race, color, religious creed, age,  
63 sex, gender identity or expression, marital status, national origin,  
64 ancestry, present or past history of mental disability, intellectual  
65 disability, learning disability, [or] physical disability, including, but  
66 not limited to, blindness, or status as a veteran;

67 (3) For a labor organization, because of the race, color, religious  
68 creed, age, sex, gender identity or expression, marital status, national  
69 origin, ancestry, present or past history of mental disability,  
70 intellectual disability, learning disability, [or] physical disability,  
71 including, but not limited to, blindness, or status as a veteran of any  
72 individual to exclude from full membership rights or to expel from its

73 membership such individual or to discriminate in any way against any  
74 of its members or against any employer or any individual employed  
75 by an employer, unless such action is based on a bona fide  
76 occupational qualification;

77 (4) For any person, employer, labor organization or employment  
78 agency to discharge, expel or otherwise discriminate against any  
79 person because such person has opposed any discriminatory  
80 employment practice or because such person has filed a complaint or  
81 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
82 46a-84;

83 (5) For any person, whether an employer or an employee or not, to  
84 aid, abet, incite, compel or coerce the doing of any act declared to be a  
85 discriminatory employment practice or to attempt to do so;

86 (6) For any person, employer, employment agency or labor  
87 organization, except in the case of a bona fide occupational  
88 qualification or need, to advertise employment opportunities in such a  
89 manner as to restrict such employment so as to discriminate against  
90 individuals because of their race, color, religious creed, age, sex,  
91 gender identity or expression, marital status, national origin, ancestry,  
92 present or past history of mental disability, intellectual disability,  
93 learning disability, [or] physical disability, including, but not limited  
94 to, blindness, or status as a veteran;

95 Sec. 5. Subsection (a) of section 46a-64 of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective*  
97 *October 1, 2017*):

98 (a) It shall be a discriminatory practice in violation of this section: (1)  
99 To deny any person within the jurisdiction of this state full and equal  
100 accommodations in any place of public accommodation, resort or  
101 amusement because of race, creed, color, national origin, ancestry, sex,  
102 gender identity or expression, marital status, age, lawful source of  
103 income, intellectual disability, mental disability, [or] physical  
104 disability, including, but not limited to, blindness or deafness, or status

105 as a veteran, of the applicant, subject only to the conditions and  
106 limitations established by law and applicable alike to all persons; (2) to  
107 discriminate, segregate or separate on account of race, creed, color,  
108 national origin, ancestry, sex, gender identity or expression, marital  
109 status, age, lawful source of income, intellectual disability, mental  
110 disability, learning disability, [or] physical disability, including, but  
111 not limited to, blindness or deafness, or status as a veteran; (3) for a  
112 place of public accommodation, resort or amusement to restrict or limit  
113 the right of a mother to breast-feed her child; (4) for a place of public  
114 accommodation, resort or amusement to fail or refuse to post a notice,  
115 in a conspicuous place, that any blind, deaf or mobility impaired  
116 person, accompanied by his guide dog wearing a harness or an  
117 orange-colored leash and collar, may enter such premises or facilities;  
118 or (5) to deny any blind, deaf or mobility impaired person or any  
119 person training a dog as a guide dog for a blind person or a dog to  
120 assist a deaf or mobility impaired person, accompanied by his guide  
121 dog or assistance dog, full and equal access to any place of public  
122 accommodation, resort or amusement. Any blind, deaf or mobility  
123 impaired person or any person training a dog as a guide dog for a  
124 blind person or a dog to assist a deaf or mobility impaired person may  
125 keep his guide dog or assistance dog with him at all times in such  
126 place of public accommodation, resort or amusement at no extra  
127 charge, provided the dog wears a harness or an orange-colored leash  
128 and collar and is in the direct custody of such person. The blind, deaf  
129 or mobility impaired person or person training a dog as a guide dog  
130 for a blind person or a dog to assist a deaf or mobility impaired person  
131 shall be liable for any damage done to the premises or facilities by his  
132 dog. For purposes of this subdivision, "guide dog" or "assistance dog"  
133 includes a dog being trained as a guide dog or assistance dog and  
134 "person training a dog as a guide dog for a blind person or a dog to  
135 assist a deaf or mobility impaired person" means a person who is  
136 employed by and authorized to engage in designated training  
137 activities by a guide dog organization or assistance dog organization  
138 that complies with the criteria for membership in a professional  
139 association of guide dog or assistance dog schools and who carries

140 photographic identification indicating such employment and  
141 authorization.

142 Sec. 6. Section 46a-64c of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2017*):

144 (a) It shall be a discriminatory practice in violation of this section:

145 (1) To refuse to sell or rent after the making of a bona fide offer, or  
146 to refuse to negotiate for the sale or rental of, or otherwise make  
147 unavailable or deny, a dwelling to any person because of race, creed,  
148 color, national origin, ancestry, sex, gender identity or expression,  
149 marital status, age, lawful source of income, [or] familial status or  
150 status as a veteran.

151 (2) To discriminate against any person in the terms, conditions, or  
152 privileges of sale or rental of a dwelling, or in the provision of services  
153 or facilities in connection therewith, because of race, creed, color,  
154 national origin, ancestry, sex, gender identity or expression, marital  
155 status, age, lawful source of income, [or] familial status or status as a  
156 veteran.

157 (3) To make, print or publish, or cause to be made, printed or  
158 published any notice, statement, or advertisement, with respect to the  
159 sale or rental of a dwelling that indicates any preference, limitation, or  
160 discrimination based on race, creed, color, national origin, ancestry,  
161 sex, gender identity or expression, marital status, age, lawful source of  
162 income, familial status, learning disability, [or] physical or mental  
163 disability or status as a veteran, or an intention to make any such  
164 preference, limitation or discrimination.

165 (4) (A) To represent to any person because of race, creed, color,  
166 national origin, ancestry, sex, gender identity or expression, marital  
167 status, age, lawful source of income, familial status, learning disability,  
168 [or] physical or mental disability or status as a veteran that any  
169 dwelling is not available for inspection, sale or rental when such  
170 dwelling is in fact so available.

171 (B) It shall be a violation of this subdivision for any person to  
172 restrict or attempt to restrict the choices of any buyer or renter to  
173 purchase or rent a dwelling (i) to an area which is substantially  
174 populated, even if less than a majority, by persons of the same  
175 protected class as the buyer or renter, (ii) while such person is  
176 authorized to offer for sale or rent another dwelling which meets the  
177 housing criteria as expressed by the buyer or renter to such person,  
178 and (iii) such other dwelling is in an area which is not substantially  
179 populated by persons of the same protected class as the buyer or  
180 renter. As used in this subdivision, "area" means municipality,  
181 neighborhood or other geographic subdivision which may include an  
182 apartment or condominium complex; and "protected class" means race,  
183 creed, color, national origin, ancestry, sex, gender identity or  
184 expression, marital status, age, lawful source of income, familial status,  
185 learning disability, [or] physical or mental disability or status as a  
186 veteran.

187 (5) For profit, to induce or attempt to induce any person to sell or  
188 rent any dwelling by representations regarding the entry or  
189 prospective entry into the neighborhood of a person or persons of a  
190 particular race, creed, color, national origin, ancestry, sex, gender  
191 identity or expression, marital status, age, lawful source of income,  
192 familial status, learning disability, [or] physical or mental disability or  
193 status as a veteran.

194 (6) (A) To discriminate in the sale or rental, or to otherwise make  
195 unavailable or deny, a dwelling to any buyer or renter because of a  
196 learning disability or physical or mental disability of: (i) Such buyer or  
197 renter; (ii) a person residing in or intending to reside in such dwelling  
198 after it is so sold, rented, or made available; or (iii) any person  
199 associated with such buyer or renter.

200 (B) To discriminate against any person in the terms, conditions or  
201 privileges of sale or rental of a dwelling, or in the provision of services  
202 or facilities in connection with such dwelling, because of a learning  
203 disability or physical or mental disability of: (i) Such person; or (ii) a

204 person residing in or intending to reside in such dwelling after it is so  
205 sold, rented, or made available; or (iii) any person associated with such  
206 person.

207 (C) For purposes of this subdivision, discrimination includes: (i) A  
208 refusal to permit, at the expense of a person with a physical or mental  
209 disability, reasonable modifications of existing premises occupied or to  
210 be occupied by such person if such modifications may be necessary to  
211 afford such person full enjoyment of the premises; except that, in the  
212 case of a rental, the landlord may, where it is reasonable to do so,  
213 condition permission for a modification on the renter agreeing to  
214 restore the interior of the premises to the condition that existed before  
215 the modification, reasonable wear and tear excepted; (ii) a refusal to  
216 make reasonable accommodations in rules, policies, practices or  
217 services, when such accommodations may be necessary to afford such  
218 person equal opportunity to use and enjoy a dwelling; (iii) in  
219 connection with the design and construction of covered multifamily  
220 dwellings for the first occupancy after March 13, 1991, a failure to  
221 design and construct those dwellings in such manner that they comply  
222 with the requirements of Section 804(f) of the Fair Housing Act or the  
223 provisions of the state building code as adopted pursuant to the  
224 provisions of sections 29-269 and 29-273, whichever requires greater  
225 accommodation. "Covered multifamily dwellings" means buildings  
226 consisting of four or more units if such buildings have one or more  
227 elevators, and ground floor units in other buildings consisting of four  
228 or more units.

229 (7) For any person or other entity engaging in residential real-estate-  
230 related transactions to discriminate against any person in making  
231 available such a transaction, or in the terms or conditions of such a  
232 transaction, because of race, creed, color, national origin, ancestry, sex,  
233 gender identity or expression, marital status, age, lawful source of  
234 income, familial status, learning disability, [or] physical or mental  
235 disability or status as a veteran.

236 (8) To deny any person access to or membership or participation in



237 any multiple-listing service, real estate brokers' organization or other  
238 service, organization, or facility relating to the business of selling or  
239 renting dwellings, or to discriminate against him in the terms or  
240 conditions of such access, membership or participation, on account of  
241 race, creed, color, national origin, ancestry, sex, gender identity or  
242 expression, marital status, age, lawful source of income, familial status,  
243 learning disability, [or] physical or mental disability or status as a  
244 veteran.

245 (9) To coerce, intimidate, threaten, or interfere with any person in  
246 the exercise or enjoyment of, or on account of his having exercised or  
247 enjoyed, or on account of his having aided or encouraged any other  
248 person in the exercise or enjoyment of, any right granted or protected  
249 by this section.

250 (b) (1) The provisions of this section shall not apply to (A) the rental  
251 of a room or rooms in a single-family dwelling unit if the owner  
252 actually maintains and occupies part of such living quarters as his  
253 residence or (B) a unit in a dwelling containing living quarters  
254 occupied or intended to be occupied by no more than two families  
255 living independently of each other, if the owner actually maintains and  
256 occupies the other such living quarters as his residence. (2) The  
257 provisions of this section with respect to the prohibition of  
258 discrimination on the basis of marital status shall not be construed to  
259 prohibit the denial of a dwelling to a man or a woman who are both  
260 unrelated by blood and not married to each other. (3) The provisions of  
261 this section with respect to the prohibition of discrimination on the  
262 basis of age shall not apply to minors, to special discount or other  
263 public or private programs to assist persons sixty years of age and  
264 older or to housing for older persons as defined in section 46a-64b,  
265 provided there is no discrimination on the basis of age among older  
266 persons eligible for such housing. (4) The provisions of this section  
267 with respect to the prohibition of discrimination on the basis of familial  
268 status shall not apply to housing for older persons as defined in section  
269 46a-64b or to a unit in a dwelling containing units for no more than  
270 four families living independently of each other, if the owner of such

271 dwelling resides in one of the units. (5) The provisions of this section  
272 with respect to the prohibition of discrimination on the basis of lawful  
273 source of income shall not prohibit the denial of full and equal  
274 accommodations solely on the basis of insufficient income. (6) The  
275 provisions of this section with respect to the prohibition of  
276 discrimination on the basis of sex shall not apply to the rental of  
277 sleeping accommodations to the extent they utilize shared bathroom  
278 facilities when such sleeping accommodations are provided by  
279 associations and organizations which rent such sleeping  
280 accommodations on a temporary or permanent basis for the exclusive  
281 use of persons of the same sex based on considerations of privacy and  
282 modesty.

283 (c) Nothing in this section limits the applicability of any reasonable  
284 state statute or municipal ordinance restricting the maximum number  
285 of persons permitted to occupy a dwelling.

286 (d) Nothing in this section or section 46a-64b shall be construed to  
287 invalidate or limit any state statute or municipal ordinance that  
288 requires dwellings to be designed and constructed in a manner that  
289 affords persons with physical or mental disabilities greater access than  
290 is required by this section or section 46a-64b.

291 (e) Nothing in this section prohibits a person engaged in the  
292 business of furnishing appraisals of real property to take into  
293 consideration factors other than race, creed, color, national origin,  
294 ancestry, sex, gender identity or expression, marital status, age, lawful  
295 source of income, familial status, learning disability, [or] physical or  
296 mental disability or status as a veteran.

297 (f) Notwithstanding any other provision of this chapter, complaints  
298 alleging a violation of this section shall be investigated within one  
299 hundred days of filing and a final administrative disposition shall be  
300 made within one year of filing unless it is impracticable to do so. If the  
301 Commission on Human Rights and Opportunities is unable to  
302 complete its investigation or make a final administrative determination  
303 within such time frames, it shall notify the complainant and the

304 respondent in writing of the reasons for not doing so.

305 (g) Any person who violates any provision of this section shall be  
306 guilty of a class D misdemeanor.

307 Sec. 7. Section 46a-66 of the general statutes is repealed and the  
308 following is substituted in lieu thereof (*Effective October 1, 2017*):

309 (a) It shall be a discriminatory practice in violation of this section for  
310 any creditor to discriminate on the basis of sex, gender identity or  
311 expression, age, race, color, religious creed, national origin, ancestry,  
312 marital status, intellectual disability, learning disability, blindness, [or]  
313 physical disability or status as a veteran against any person eighteen  
314 years of age or over in any credit transaction.

315 (b) No liability may be imposed under this section for an act done or  
316 omitted in conformity with a regulation or declaratory ruling of the  
317 Banking Commissioner, the Federal Reserve Board or any other  
318 governmental agency having jurisdiction under the Equal Credit  
319 Opportunity Act, notwithstanding that after the act or omission the  
320 regulation or declaratory ruling may be amended, repealed or  
321 determined to be invalid for any reason.

322 Sec. 8. Section 46a-70 of the general statutes is repealed and the  
323 following is substituted in lieu thereof (*Effective October 1, 2017*):

324 (a) State officials and supervisory personnel shall recruit, appoint,  
325 assign, train, evaluate and promote state personnel on the basis of  
326 merit and qualifications, without regard for race, color, religious creed,  
327 sex, gender identity or expression, marital status, age, national origin,  
328 ancestry, intellectual disability, mental disability, learning disability,  
329 [or] physical disability, including, but not limited to, blindness, or  
330 status as a veteran unless it is shown by such state officials or  
331 supervisory personnel that such disability prevents performance of the  
332 work involved.

333 (b) All state agencies shall promulgate written directives to carry  
334 out this policy and to guarantee equal employment opportunities at all

335 levels of state government. They shall regularly review their personnel  
336 practices to assure compliance.

337 (c) All state agencies shall conduct continuing orientation and  
338 training programs with emphasis on human relations and  
339 nondiscriminatory employment practices.

340 (d) The Commissioner of Administrative Services shall insure that  
341 the entire examination process, including qualifications appraisal, is  
342 free from bias.

343 (e) Appointing authorities shall exercise care to insure utilization of  
344 minority group persons.

345 Sec. 9. Section 46a-71 of the general statutes is repealed and the  
346 following is substituted in lieu thereof (*Effective October 1, 2017*):

347 (a) All services of every state agency shall be performed without  
348 discrimination based upon race, color, religious creed, sex, gender  
349 identity or expression, marital status, age, national origin, ancestry,  
350 intellectual disability, mental disability, learning disability, [or]  
351 physical disability, including, but not limited to, blindness, or status as  
352 a veteran.

353 (b) No state facility may be used in the furtherance of any  
354 discrimination, nor may any state agency become a party to any  
355 agreement, arrangement or plan which has the effect of sanctioning  
356 discrimination.

357 (c) Each state agency shall analyze all of its operations to ascertain  
358 possible instances of noncompliance with the policy of sections 46a-70  
359 to 46a-78, inclusive, as amended by this act, and shall initiate  
360 comprehensive programs to remedy any defect found to exist.

361 (d) Every state contract or subcontract for construction on public  
362 buildings or for other public work or for goods and services shall  
363 conform to the intent of section 4a-60.

364 Sec. 10. Section 46a-72 of the general statutes is repealed and the  
365 following is substituted in lieu thereof (*Effective October 1, 2017*):

366 (a) All state agencies, including educational institutions, which  
367 provide employment referrals or placement services to public or  
368 private employers, shall accept job orders on a nondiscriminatory  
369 basis.

370 (b) Any job request indicating an intention to exclude any person  
371 because of race, color, religious creed, sex, gender identity or  
372 expression, marital status, age, national origin, ancestry, intellectual  
373 disability, mental disability, learning disability, [or] physical disability,  
374 including, but not limited to, blindness, or status as a veteran shall be  
375 rejected, unless it is shown by such public or private employers that  
376 such disability prevents performance of the work involved.

377 (c) All state agencies shall cooperate in programs developed by the  
378 Commission on Human Rights and Opportunities initiated for the  
379 purpose of broadening the base for job recruitment and shall further  
380 cooperate with all employers and unions providing such programs.

381 (d) The Labor Department shall encourage and enforce employers  
382 and labor unions to comply with the policy of sections 46a-70 to 46a-  
383 78, inclusive, as amended by this act, and promote equal employment  
384 opportunities.

385 Sec. 11. Section 46a-73 of the general statutes is repealed and the  
386 following is substituted in lieu thereof (*Effective October 1, 2017*):

387 (a) No state department, board or agency may grant, deny or revoke  
388 the license or charter of any person on the grounds of race, color,  
389 religious creed, sex, gender identity or expression, marital status, age,  
390 national origin, ancestry, intellectual disability, mental disability,  
391 learning disability, [or] physical disability, including, but not limited  
392 to, blindness, or status as a veteran, unless it is shown by such state  
393 department, board or agency that such disability prevents  
394 performance of the work involved.

395 (b) Each state agency shall take such appropriate action in the  
396 exercise of its licensing or regulatory power as will assure equal  
397 treatment of all persons and eliminate discrimination and enforce  
398 compliance with the policy of sections 46a-70 to 46a-78, inclusive, as  
399 amended by this act.

400 Sec. 12. Section 46a-75 of the general statutes is repealed and the  
401 following is substituted in lieu thereof (*Effective October 1, 2017*):

402 (a) All educational, counseling, and vocational guidance programs  
403 and all apprenticeship and on-the-job training programs of state  
404 agencies, or in which state agencies participate, shall be open to all  
405 qualified persons, without regard to race, color, religious creed, sex,  
406 gender identity or expression, marital status, age, national origin,  
407 ancestry, intellectual disability, mental disability, learning disability,  
408 [or] physical disability, including, but not limited to, blindness, or  
409 status as a veteran.

410 (b) Such programs shall be conducted to encourage the fullest  
411 development of the interests, aptitudes, skills, and capacities of all  
412 students and trainees, with special attention to the problems of  
413 culturally deprived, educationally handicapped, learning disabled,  
414 economically disadvantaged, or physically disabled, including, but not  
415 limited to, blind persons.

416 (c) Expansion of training opportunities under these programs shall  
417 be encouraged so as to involve larger numbers of participants from  
418 those segments of the labor force where the need for upgrading levels  
419 of skill is greatest.

420 Sec. 13. Section 46a-76 of the general statutes is repealed and the  
421 following is substituted in lieu thereof (*Effective October 1, 2017*):

422 (a) Race, color, religious creed, sex, gender identity or expression,  
423 marital status, age, national origin, ancestry, intellectual disability,  
424 mental disability, learning disability, [or] physical disability, including,  
425 but not limited to, blindness, or status as a veteran, shall not be

426 considered as limiting factors in state-administered programs  
427 involving the distribution of funds to qualify applicants for benefits  
428 authorized by law.

429 (b) No state agency may provide grants, loans or other financial  
430 assistance to public agencies, private institutions or organizations  
431 which discriminate.

432 Sec. 14. Subsection (b) of section 27-33a of the general statutes is  
433 repealed and the following is substituted in lieu thereof (*Effective*  
434 *October 1, 2017*):

435 (b) The employer of any employee who, as a part of such employee's  
436 service in the armed forces of the state, [or] any reserve component of  
437 the armed forces of the United States or the National Guard of any  
438 other state, is ordered to perform military duty, including meetings or  
439 drills, during regular working hours shall allow such employee leave  
440 of absence for such purpose. No such employee shall be subjected by  
441 any person, directly or indirectly, to any loss or reduction of vacation  
442 or holiday privileges by reason of such absence, or be prejudiced by  
443 reason of such absence with reference to promotion or continuance in  
444 office or employment, or to reappointment to office or reemployment.

445 Sec. 15. (NEW) (*Effective October 1, 2017*) Notwithstanding any  
446 provision of the general statutes, any member of the armed forces, as  
447 defined in subsection (a) of section 27-103 of the general statutes, who  
448 is on active duty may register such member's spouse or child for any  
449 Medicaid home or community-based program in this state for which  
450 such spouse or child is eligible, provided such member is admitted as  
451 an elector or liable for the payment of any tax on real property in a  
452 municipality of this state or holds a motor vehicle operator's license  
453 issued by the Commissioner of Motor Vehicles.

454 Sec. 16. Subsection (g) of section 17a-28 of the general statutes is  
455 repealed and the following is substituted in lieu thereof (*Effective*  
456 *October 1, 2017*):

457 (g) The department shall disclose records, subject to subsections (b)  
458 and (c) of this section, without the consent of the person who is the  
459 subject of the record, to:

460 (1) The person named in the record or such person's authorized  
461 representative, provided such disclosure shall be limited to  
462 information (A) contained in the record about such person or about  
463 such person's biological or adoptive minor child, if such person's  
464 parental rights to such child have not been terminated; and (B)  
465 identifying an individual who reported abuse or neglect of the person,  
466 including any tape recording of an oral report pursuant to section 17a-  
467 103, if a court determines that there is reasonable cause to believe the  
468 reporter knowingly made a false report or that the interests of justice  
469 require disclosure;

470 (2) An employee of the department for any purpose reasonably  
471 related to the performance of such employee's duties;

472 (3) A guardian ad litem or attorney appointed to represent a child or  
473 youth in litigation affecting the best interests of the child or youth;

474 (4) The Attorney General, any assistant attorney general or any  
475 other legal counsel retained to represent the department during the  
476 course of a legal proceeding involving the department or an employee  
477 of the department;

478 (5) The Child Advocate or the Child Advocate's designee;

479 (6) The Chief Public Defender or the Chief Public Defender's  
480 designee for purposes of ensuring competent representation by the  
481 attorneys with whom the Chief Public Defender contracts to provide  
482 legal and guardian ad litem services to the subjects of such records and  
483 for ensuring accurate payments for services rendered by such  
484 attorneys;

485 (7) The Chief State's Attorney or the Chief State's Attorney's  
486 designee for purposes of investigating or prosecuting (A) an allegation  
487 related to child abuse or neglect, (B) an allegation that an individual



488 made a false report of suspected child abuse or neglect, or (C) an  
489 allegation that a mandated reporter failed to report suspected child  
490 abuse or neglect in accordance with section 17a-101a, provided such  
491 prosecuting authority shall have access to records of a child charged  
492 with the commission of a delinquent act, who is not being charged  
493 with an offense related to child abuse, only while the case is being  
494 prosecuted and after obtaining a release;

495 (8) A state or federal law enforcement officer, including a military  
496 law enforcement authority under the United States Department of  
497 Defense, for purposes of investigating (A) an allegation related to child  
498 abuse or neglect, (B) an allegation that an individual made a false  
499 report of suspected child abuse or neglect, or (C) an allegation that a  
500 mandated reporter failed to report suspected child abuse or neglect in  
501 accordance with section 17a-101a;

502 (9) A foster or prospective adoptive parent, if the records pertain to  
503 a child or youth currently placed with the foster or prospective  
504 adoptive parent, or a child or youth being considered for placement  
505 with the foster or prospective adoptive parent, and the records are  
506 necessary to address the social, medical, psychological or educational  
507 needs of the child or youth, provided no information identifying a  
508 biological parent is disclosed without the permission of such biological  
509 parent;

510 (10) The Governor, when requested in writing in the course of the  
511 Governor's official functions, the Legislative Program Review and  
512 Investigations Committee, the joint standing committee of the General  
513 Assembly having cognizance of matters relating to human services, the  
514 joint standing committee of the General Assembly having cognizance  
515 of matters relating to the judiciary or the joint standing committee of  
516 the General Assembly having cognizance of matters relating to  
517 children, when requested in writing by any of such committees in the  
518 course of such committee's official functions, and upon a majority vote  
519 of such committee, provided no name or other identifying information  
520 is disclosed unless such information is essential to the gubernatorial or

521 legislative purpose;

522 (11) The Office of Early Childhood for the purpose of (A)  
523 determining the suitability of a person to care for children in a facility  
524 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining  
525 the suitability of such person for licensure; (C) an investigation  
526 conducted pursuant to section 19a-80f; (D) notifying the office when  
527 the Department of Children and Families places an individual licensed  
528 or certified by the office on the child abuse and neglect registry  
529 pursuant to section 17a-101k; or (E) notifying the office when the  
530 Department of Children and Families possesses information regarding  
531 an office regulatory violation committed by an individual licensed or  
532 certified by the office;

533 (12) The Department of Developmental Services, to allow said  
534 department to determine eligibility, facilitate enrollment and plan for  
535 the provision of services to a child who is a client of said department  
536 and who is applying to enroll in or is enrolled in said department's  
537 behavioral services program. At the time that a parent or guardian  
538 completes an application for enrollment of a child in the Department of  
539 Developmental Services' behavioral services program, or at the time  
540 that said department updates a child's annual individualized plan of  
541 care, said department shall notify such parent or guardian that the  
542 Department of Children and Families may provide records to the  
543 Department of Developmental Services for the purposes specified in  
544 this subdivision without the consent of such parent or guardian;

545 (13) Any individual or entity for the purposes of identifying  
546 resources that will promote the permanency plan of a child or youth  
547 approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129  
548 and 46b-141;

549 (14) A state agency that licenses or certifies an individual to educate  
550 or care for children or youth;

551 (15) A judge or employee of a Probate Court who requires access to  
552 such records in order to perform such judge's or employee's official

553 duties;

554 (16) A judge of the Superior Court for purposes of determining the  
555 appropriate disposition of a child convicted as delinquent or a child  
556 who is a member of a family with service needs;

557 (17) A judge of the Superior Court in a criminal prosecution for  
558 purposes of in camera inspection whenever (A) the court has ordered  
559 that the record be provided to the court; or (B) a party to the  
560 proceeding has issued a subpoena for the record;

561 (18) A judge of the Superior Court and all necessary parties in a  
562 family violence proceeding when such records concern family violence  
563 with respect to the child who is the subject of the proceeding or the  
564 parent of such child who is the subject of the proceeding;

565 (19) The Auditors of Public Accounts, or their representative,  
566 provided no information identifying the subject of the record is  
567 disclosed unless such information is essential to an audit conducted  
568 pursuant to section 2-90;

569 (20) A local or regional board of education, provided the records are  
570 limited to educational records created or obtained by the state or  
571 Connecticut Unified School District #2, established pursuant to section  
572 17a-37;

573 (21) The superintendent of schools for any school district for the  
574 purpose of determining the suitability of a person to be employed by  
575 the local or regional board of education for such school district  
576 pursuant to subsection (a) of section 10-221d;

577 (22) The Department of Motor Vehicles for the purpose of criminal  
578 history records checks pursuant to subsection (e) of section 14-44,  
579 provided information disclosed pursuant to this subdivision shall be  
580 limited to information included on the Department of Children and  
581 Families child abuse and neglect registry established pursuant to  
582 section 17a-101k, subject to the provisions of sections 17a-101g and  
583 17a-101k concerning the nondisclosure of findings of responsibility for

584 abuse and neglect;

585 (23) The Department of Mental Health and Addiction Services for  
586 the purpose of treatment planning for young adults who have  
587 transitioned from the care of the Department of Children and Families;

588 (24) The superintendent of a public school district or the executive  
589 director or other head of a public or private institution for children  
590 providing care for children or a private school (A) pursuant to sections  
591 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b, 46b-129 and 46b-141, or  
592 (B) when the Department of Children and Families places an  
593 individual employed by such institution or school on the child abuse  
594 and neglect registry pursuant to section 17a-101k;

595 (25) The Department of Social Services for the purpose of (A)  
596 determining the suitability of a person for payment from the  
597 Department of Social Services for providing child care; (B) promoting  
598 the health, safety and welfare of a child or youth receiving services  
599 from either department; or (C) investigating allegations of fraud  
600 provided no information identifying the subject of the record is  
601 disclosed unless such information is essential to any such  
602 investigation;

603 (26) The Court Support Services Division of the Judicial Branch, to  
604 allow the division to determine the supervision and treatment needs of  
605 a child or youth, and provide appropriate supervision and treatment  
606 services to such child or youth, provided such disclosure shall be  
607 limited to information that identifies the child or youth, or a member  
608 of such child's or youth's immediate family, as being or having been  
609 (A) committed to the custody of the Commissioner of Children and  
610 Families as delinquent, (B) under the supervision of the Commissioner  
611 of Children and Families, or (C) enrolled in the voluntary services  
612 program operated by the Department of Children and Families;

613 (27) The Court Support Services Division of the Judicial Branch for  
614 the purpose of sharing common case records to track recidivism of  
615 juvenile offenders; and

616 (28) The birth-to-three program's referral intake office for the  
 617 purpose of (A) determining eligibility of, (B) facilitating enrollment for,  
 618 and (C) providing services to (i) substantiated victims of child abuse  
 619 and neglect with suspected developmental delays, and (ii) newborns  
 620 impacted by withdrawal symptoms resulting from prenatal drug  
 621 exposure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	46a-51
Sec. 2	October 1, 2017	46a-58
Sec. 3	October 1, 2017	46a-59
Sec. 4	October 1, 2017	46a-60(a)(1) to (6)
Sec. 5	October 1, 2017	46a-64(a)
Sec. 6	October 1, 2017	46a-64c
Sec. 7	October 1, 2017	46a-66
Sec. 8	October 1, 2017	46a-70
Sec. 9	October 1, 2017	46a-71
Sec. 10	October 1, 2017	46a-72
Sec. 11	October 1, 2017	46a-73
Sec. 12	October 1, 2017	46a-75
Sec. 13	October 1, 2017	46a-76
Sec. 14	October 1, 2017	27-33a(b)
Sec. 15	October 1, 2017	New section
Sec. 16	October 1, 2017	17a-28(g)

**Statement of Legislative Commissioners:**

Section 1 was added to define "veteran" for purposes of Sections 2 to 13, inclusive, and conforming changes were made throughout, deleting "as defined in subsection (a) of section 27-103"; Section 15 was rewritten for clarity; and the title was changed.

**VA**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill prohibits discrimination on the basis of a veteran's status under certain laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction and allows veterans to file discrimination complaints.

This is not anticipated to result in a cost to CHRO since the agency has staff specifically dedicated to working on discrimination complaints.

The bill makes various forms of discrimination against a person's veteran status a class D misdemeanor. While it is possible the bill will result in increased penalties, it is unlikely to result in a fiscal impact. In 2016 there were eight charges of discriminatory behavior and all cases were given a nolle.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Genesis*

**OLR Bill Analysis****sSB 917*****AN ACT CONCERNING DISCRIMINATORY PRACTICES AGAINST VETERANS, LEAVES OF ABSENCE FOR NATIONAL GUARD MEMBERS, REGISTRATION FOR CERTAIN MEDICAID PROGRAMS AND DISCLOSURE OF CERTAIN RECORDS TO FEDERAL MILITARY LAW ENFORCEMENT.*****SUMMARY**

This bill prohibits discrimination on the basis of a veteran's status in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It authorizes any veteran aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas. A veteran is anyone honorably discharged or released under honorable conditions from active service in the armed forces.

The bill also:

1. requires employers or employees who serve in the National Guard of another state to grant leave for purposes of such services (§ 13);
2. allows active duty members of the armed forces to register certain family members for Medicaid home-and community-based programs if the members are registered to vote, pay real property taxes, or are licensed to operate a motor vehicle in Connecticut (§ 14); and
3. explicitly includes U.S. Department of Defense law enforcement authorities among the federal law enforcement officers to whom Department of Children and Families (DCF) records must be

disclosed without consent of the person who is the subject of the record, under certain circumstances specified in law (§ 15).

EFFECTIVE DATE: October 1, 2017

## **DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, HOUSING, AND CREDIT**

### **§ 1 — General Antidiscriminatory Provision**

Under existing law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or mental or physical disability. The bill adds veteran's status to this list, thus authorizing CHRO to investigate claims of discrimination against veterans on the basis of their status as veterans.

### **§ 3 — Employment**

The bill prohibits an employer or employer's agent, except in the case of a bona fide occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a veteran. This prohibition applies to any employer, public or private, that employs three or more people. It applies to all employees except those employed by their parents, spouse, or children.

The act also prohibits the following kinds of employment discrimination based on veteran status:

1. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
2. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against



a member, employer, or employee, unless the action is due to a bona fide occupational qualification;

3. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;
4. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and
5. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates, except for a bona fide occupational qualification or need.

#### **§ 4 — Public Accommodations**

The bill prohibits anyone from denying someone, on the basis of his or her status as a veteran, full and equal accommodations in any public establishment (i.e., one that caters to or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people on the basis of their veteran status. Violations are punishable as a class D misdemeanor, subject to a fine of up to \$250, up to 30 days' imprisonment, or both.

#### **§ 5 — Housing**

The bill prohibits the following kinds of housing discrimination based on one's status as a veteran:

1. refusing to sell or rent after a person makes a bona fide offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;

2. discriminating in the terms, conditions, or privileges of a dwelling's sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, publishing, or causing this to be done, any notice, statement, or advertisement concerning the sale or rental of a dwelling that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;
4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental, a practice commonly known as "steering;"
5. for profit, inducing or attempting to induce someone to sell or rent a dwelling by representing that veterans are moving, or may move, into the neighborhood;
6. any person or entity engaging in residential real estate transactions discriminating in making a transaction available or its terms or conditions;
7. denying someone access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminating in the terms or conditions of such access, membership, or participation; or
8. coercing, intimidating, threatening, or interfering with someone in the exercise or enjoyment of, or on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of, these rights.

Violations are punishable as a class D misdemeanor.

The law's prohibitions on housing discrimination do not apply to either of the following, if the owner maintains his or her residence there: (1) renting a room or rooms in a single-family home or (2) a unit

in a two-family home.

The bill allows property appraisers furnishing appraisals to consider permissible factors other than veterans' status. Existing law allows them to consider factors other than race, creed, color, national origin, ancestry, sex, gender, identity or expression, marital status, age, lawful source of income, familial status, learning disability, or physical or mental disability.

### **§ 6 — Credit**

The bill prohibits a creditor from discriminating against any adult in a credit transaction on the basis of the person's veteran status.

### **Other Areas Subject to CHRO's Jurisdiction**

The bill gives CHRO authority to investigate claims of discrimination based on a person's veteran status under other laws over which CHRO has jurisdiction. The bill:

1. subjects any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license, to a fine of \$100 to \$500 for denying someone membership because of his or her veteran status (§ 2);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to veteran status, unless this prevents performance of the work involved (§ 7);
3. requires state agency services to be performed without discrimination based on veteran status (§ 8);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her veteran status (§ 9);

5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of veteran status (§ 10);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, to be open to all qualified persons, without regard to veteran status (§ 11); and
7. prohibits a veteran's status from being considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law, and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations which discriminate on this basis (§ 12).

### **§ 13 — *Employment Protections for National Guard Members***

The bill extends employment protections currently afforded to employees who serve in the state armed forces or any reserve component of the U.S. Armed Forces to employees who are members of another state's National Guard who take time off from work during regular working hours to perform ordered military duty. This includes time off for meetings or drills. Workplace protections include protection from loss of vacation or holiday privileges, or prejudice in promotions, continuances, or reappointments due to absences.

### **§ 14 — *Registration for Medicaid***

The bill allows an armed forces member on active duty to register his or her spouse or child for any Medicaid home- or community-based program in Connecticut, provided (1) the spouse or child is eligible for the program and (2) the member is admitted as an elector or liable for the payment of any property tax in a Connecticut municipality or holds a Connecticut driver's license.

"Armed Forces" means the U.S. Army, Navy, Marine Corps, Coast Guard and Air Force and reserve components, including the

Connecticut National Guard performing duty under Title 32 of federal law (e.g., some Homeland Security missions).

### **§ 15 — DCF Records**

DCF records are generally confidential but can be disclosed (1) with the consent of the person who is the subject of them or (2) without consent under certain circumstances.

The law currently requires disclosure without the person's consent to state or federal law enforcement officers for purposes of investigations related to child abuse or neglect. The bill specifies that “law enforcement officer” includes a military law enforcement authority under the U.S. Department of Defense. Under existing law, the disclosures are allowed for purposes of investigating an allegation that a (1) child was abused or neglected, (2) person made a false report of suspected child abuse or neglect, or (3) mandated reporter failed to report suspected child abuse or neglect.

### **COMMITTEE ACTION**

Veterans' Affairs Committee

Joint Favorable Substitute

Yea 14      Nay 0      (03/02/2017)